

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION AT CHICAGO**

LARRY J. COLLIER,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	Case No.: 08 C 227
	)	
WAL-MART STORES, INC. and	)	
WAL-MART REAL ESTATE BUSINESS	)	
TRUST,	)	
	)	
Defendants.	)	

**DEFENDANT'S MOTION TO COMPEL DISCOVERY**

TO: Bridget A. Mitchell  
One N. LaSalle St. #1325  
Chicago, IL 60602

Thomas J. Tyrrell  
1020 South Arlington Heights Rd.  
Arlington Heights, IL 60005

NOW COME the Defendants, WAL-MART STORES, INC. and WAL-MART REAL ESTATE BUSINESS TRUST, by and through their attorneys, MOMKUS McCLUSKEY, LLC, and as and for their Motion to Compel, state as follows:

1. Defendants served Plaintiff with standard interrogatories and requests for production in March, 2008.
2. During the 26(f) planning conference, Defendant agreed to allow until June 20, 2008 for the parties to exchange answers to written discovery.
3. During July and August, 2008, the attorneys for both sides communicated several times regarding outstanding discovery answers.

4. Counsel for both parties last spoke on August 28, 2008 whereby plaintiff's attorney stated she would fax over unsigned answers immediately and signed answers would be delivered the following week.

5. Fact discovery is set to close on October 15, 2008. Defense counsel has made numerous reasonable attempts to procure said discovery. To date, defense counsel has not received plaintiff's answers to discovery, which has precluded defense counsel from deposing the plaintiff.

6. Defense counsel has further requested a deposition date in October and has provided plaintiff's counsel with several available dates but has received no response on obtaining the plaintiff's testimony.

WHEREFORE, Defendant respectfully requests that this Honorable Court enter an order compelling the Plaintiff to provide answers to written discovery within seven (7) days, provide firm dates for his deposition within thirty (30) days, and for any other and/or further relief which this Honorable Court deems equitable and just.

MOMKUS McCLUSKEY, LLC

By: \_\_\_\_\_  
s/ Pamela L. Pierro

MOMKUS McCLUSKEY, LLC  
30 N. La Salle St., Suite 2850  
Chicago, IL 60602  
(312) 345-1955  
Attorneys for Defendants  
Attorney No.: 6283757